

REMARKS

Claims 2 - 12 are in the application unchanged.

Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

It is submitted that Fig. 5 of the drawings clearly shows the electrode 12 and the diaphragm 11 which also acts as an electrode. The amplifier mentioned in claim 12 is part of the microphone which is also not illustrated in the drawing. It is only the capsule which is to be mounted in the microphone which is illustrated in the drawings.

With respect to the objection to the disclosure, the Examiner will note that a typographical error has been corrected on page 18. Specifically, the passage referred to by the Examiner has been corrected to make it clear that the electrodes are denoted by reference numerals 11 and 12. Reference numeral 14 which was referred to by the Examiner is in fact the contact which connects the electrode 12 to the power supply 24 and, in turn, to the sound receiver 23. It is submitted that this is clear from the specification as originally filed, particularly the paragraph bridging pages 17 and 18 of the specification.

As required in the Office Action, the title of the invention has been changed to be more descriptive of the invention to which the claims are directed.

Reconsideration and withdrawal of the rejection of claims 2-6 and 9-12 under 35 U.S.C. §102(b) as being anticipated by Block, are respectfully requested.

Applicants respectfully disagree with the interpretation of the reference to Block by the Examiner in the Office Action.

In the Office Action, the Examiner has made a comparison between the reference to Block and the invention and has correctly identified reference numeral 23 of the reference as that of a diaphragm, however, the Examiner subsequently refers to item 23 as an "electrostrictive element". The Examiner further states the electrostrictive element, i.e., the diaphragm, is connected to a second electrical circuit, (referring to Fig. 3; reference numbers 37-38, 41), wherein this second electrical circuit is supposed to be independent of the circuit which contacts the electrode and the diaphragm, and is supposed to have a controllable power supply.

However, it is respectfully submitted that the following is correct:

The component 23 of the reference is actually the diaphragm of a capacitatively acting microphone or sound receiver for records of vinyl. The latter use is illustrated in Fig. 3 and the components 37-38, 41 do not constitute an electrical circuit, as suggested by the Examiner, but rather are a sectional view through a record 41 with a diamond needle 38 which slides in the groove 39 of the record 41 and conducts mechanical vibrations onto the diaphragm through a mechanical connection 42 which is fixedly attached to the center region of the diaphragm 23.

These vibrations result in changes of the capacity of the capacitor which is formed by diaphragm 23 and the electrode 13 and, thus, to changes of the electrical output signal.

Accordingly, since the elements 37, 38 and 41 of the reference do not constitute a second electrical circuit as it is recited in claim 12 of the present application, it is submitted that the reference to Block does not anticipate the present invention as claimed.

Applicants have noted that the Examiner has indicated that claims 7 and 8 would be allowable if rewritten in independent form.




However, applicants respectfully submit that claim 12 and all of the claims depending therefrom are allowable over the art of record, as discussed above.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

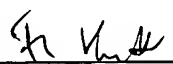
FRIEDRICH KUEFFNER

By 
Friedrich Kueffner
(Reg. No. 29,482)
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: May 25, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on May 25, 2005.

By:  Date: May 25, 2005
Friedrich Kueffner